United Nations E/CN.6/2004/10

Economic and Social Council

Distr.: General
22 December 2003

Original: English

Commission on the Status of Women
Forty-eighth session
1-12 March 2004
Item 3 (c) (ii) of the provisional agenda*
Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in the critical areas of concern and further actions and initiatives

Women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building

Report of the Secretary-General

Summary

The present report focuses on the role of peace agreements as tools for enhancing the participation of women and promoting gender equality in peace processes. Given their central role in all stages of peace processes, the report discusses opportunities for enhancing the participation of women and promoting gender equality during the negotiation phase, in the substantive content of peace agreements and in the implementation phase of such agreements. The report concludes with a series of recommendations for consideration by the Commission on the Status of Women.

* E/CN.6/2004/1.

03-67500 (E) 220104

Contents

		Paragraphs	*Page*
I.	Introduction	1–3	3
II.	Recent United Nations initiatives on women, peace and security	4–10	3
III.	Peace agreements and their role in promoting gender equality and the participation of women	11–27	5
	A. Women's participation in peace processes	11–14	5
	B. Attention to participation of women and the promotion of gender equality in peace agreements	15–19	6
	C. Issues of process and content to enhance participation of women and promotion of gender equality through peace agreements	20–27	8
IV.	Recommendations for action	28–49	10

I. Introduction

1. In accordance with the multi-year programme of work for the Commission on the Status of Women for 2002-2006 adopted by the Economic and Social Council in its resolution 2001/4 of 24 July 2001, the Commission will review two thematic issues at its forty-eighth session in March 2004. The present report covers the theme of "women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building".

2. In order to contribute to a further understanding of the role of women and of gender equality in peace processes, the Division for the Advancement of Women convened an expert group meeting on the theme "Peace agreements as a means for promoting gender equality and ensuring participation of women — a framework of model provisions", in collaboration with the Office of the Special Adviser on Gender Issues and Advancement of Women and the Department of Political Affairs. The meeting was held at Ottawa from 10 to 13 November 2003.[1]

3. The understanding of, as well as attention to, women's role in the realization and maintenance of peace, and of the linkages between gender equality and peace have increased significantly in recent years. Given their central role and broad relevance to all stages of peace processes, the present report focuses on peace agreements as a tool for enhancing the participation of women and promoting gender equality. The report draws from the analysis of the expert group meeting, the case studies and contributions provided by the experts from various regions and representatives of United Nations entities and civil society, as well as the Secretary-General's study and report on women, peace and security.[2] Recommendations of the experts, reflected in the present report, are directed towards all actors involved at every stage of a peace process, including mediators, parties to a conflict, Governments (including transitional governments), peacekeeping forces, entities of the United Nations system and civil society. They aim to provide comprehensive and concrete guidelines to strengthen the participation of women and the integration of gender perspectives in various aspects of peace processes, including the negotiation, content and implementation of peace agreements, and in the subsequent institutional development of post-conflict societies.

II. Recent United Nations initiatives on women, peace and security[3]

4. Women's equal participation in all aspects of peace processes and attention to gender issues in such processes have been an important focus of international action, especially since the Fourth World Conference on Women and the adoption of the Beijing Platform for Action (1995). Consideration by the Commission on the Status of Women of the Platform's critical area of concern on women and armed conflict at its forty-second session in 1998, and the outcome of the twenty-third special session of the General Assembly in 2000 entitled "Women 2000: gender equality, development and peace for the twenty-first century" have given further impetus to women's full participation at all levels of decision-making in peace processes.

5. This momentum was significantly accelerated with the adoption by the Security Council of resolution 1325 (2000) in October 2000, in which the Council called upon all actors to adopt a gender perspective when negotiating and

implementing peace agreements and to address the special needs of women and girls during repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction. The Council also called for measures to ensure the protection of and respect for women's human rights, particularly as they relate to the constitution, the electoral system, the police and the judiciary, and encouraged all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants.

6. Since the adoption of resolution 1325 (2000), the Security Council has held several open debates on women, peace and security, as well as Arria formula meetings to inform its work on women and peace processes. It has issued presidential statements reaffirming the importance of gender mainstreaming in peacekeeping operations and post-conflict reconstruction, urging an increase in the number of women serving as special representatives or special envoys of the United Nations and encouraging Member States to establish regular contacts with local-level women's groups and networks to ensure their active involvement in reconstruction processes, particularly at decision-making levels. The Council has undertaken new measures to support women's peace initiatives, including by meeting with women's groups and networks during its field missions, for example to the Democratic Republic of the Congo, Kosovo, Liberia and Sierra Leone. Such steps are becoming a regular feature in the missions of the Council.

7. The Secretary-General's study, called for in Security Council resolution 1325 (2000) on women, peace and security, and the report, based on the study, presented to the Security Council (S/2002/1154) addressed the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution. These two documents provided recommendations for action to ensure greater attention to gender equality at all stages of peace processes and urged that all peace agreements fully and explicitly integrate gender perspectives. Entities of the United Nations system, Governments and civil society organizations have also prepared studies and reports on these issues. The Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations of June 2000[4] were critical steps leading to the adoption of Security Council resolution 1325 (2000).

8. The Inter-Agency Task Force on Women, Peace and Security, headed by the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, addresses the role of women in peacemaking, peacekeeping and related activities and ensures collaboration and coordination throughout the United Nations system in the implementation of resolution 1325 (2000). The Task Force also supports the Security Council in its field missions by preparing briefing notes which outline recommendations and benchmarks on gender issues for the Council's review and use throughout a mission and provides information on local and national women's organizations that may be contacted by Council members in each country. It is developing databases of women's peace NGOs and of gender specialists with conflict resolution expertise. The UNIFEM in October 2003 launched a web portal on women, war and peace which provides background information and updates on the impact of armed conflict on women and women's role in peace-building.

9. Four United Nations peacekeeping missions now have gender advisers or gender units, and the post of gender adviser for the Department of Peacekeeping

Operations at United Nations Headquarters is under recruitment. As part of a project funded by the Development Account, the Division for the Advancement of Women, in collaboration with the Centre for Conflict Resolution of the University of Cape Town, South Africa, has organized a series of regional training workshops on conflict management for women to enhance the capacity of women in peace-building and peacemaking in the Africa region. Workshops have been held in Cape Town (2001), Conakry (2002), and Kigali (2003). In April 2003, the Department for Disarmament Affairs launched its gender mainstreaming action plan to work simultaneously for disarmament and gender equality. The Committee on the Elimination of Discrimination against Women has in relevant cases expressed particular concern about violence against women in conflict situations and has made recommendations to reporting States on preventing and punishing such violations of women's rights.

10. These developments illustrate that in the short period of time since the adoption, in 2001, of the Commission's multi-year programme of work and the selection of the present topic for consideration in 2004, there has been a rapid expansion of the knowledge base concerning women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building. There is also increased political commitment to women's participation in peace processes and the mainstreaming of gender perspectives in all policies and programmes in the field of peace and security. At the same time, however, an analysis prepared by the Special Adviser of 264 reports of the Secretary-General to the Security Council for the period from January 2000 to September 2003 on the degree of attention to gender perspectives as required pursuant to Security Council resolution 1325 (2000) revealed that the majority of the reports made no or little mention of women or gender issues. Of the reports that did address such issues, the vast majority focused on the impact of conflict on women and girls, primarily as victims of conflict, not as potential actors in peace processes. This analysis is indicative of the need for practical tools to enhance the capacity of all actors to ensure systematic attention to the participation of women and the promotion of gender equality in all aspects of peace processes.

III. Peace agreements and their role in promoting gender equality and the participation of women[5]

A. Women's participation in peace processes

11. Peace processes encompass a wide and complex range of informal and formal activities that are conducted by a diverse range of actors. Women have long played key roles in organizing for peace and in reconciliation efforts across all conflict settings and in communities rebuilding from war. Such activities have been crucial to the continuity of civil society and are essential components of sustainable post-conflict societies. However, while women's mobilization for peace has commonly occurred alongside, and often prior to, official peace negotiations, women continue to be largely absent from formal negotiations.[6]

12. While each conflict is context-specific, as is the position of women in a particular society in conflict, a number of common aspects can nevertheless be identified that represent challenges to the promotion of gender equality and women's

participation in peace processes. The prevailing focus on formal peace processes is one such challenge. While women and women's groups undertake many informal peace initiatives and have organized to formulate their priorities for peace, these efforts are not well publicized and are rarely integrated or reflected in formal processes. Although there is increasing understanding of the important contribution of women to peace-building, they continue to be largely absent from formal processes preparatory to, and in, peace negotiations. Support for women's efforts and for capacity-building towards their effective engagement in formal peace processes by donors and the international community is often lacking, provided late or not sustained over a sufficiently long period of time to have an impact. Women may also face obstacles due to customs and traditions, as well as stereotypes that limit or narrowly define their roles in public life and decision-making.

13. As a consequence, the number of women who participate in formal peace processes remains very small. Women are conspicuously absent from internationally sponsored peace processes, where negotiating teams are dominated by the leaders of warring factions. Women are often excluded because they are not military leaders or political decision makers, or because they did not participate in the conflict as combatants. Formal or informal requirements for participation, such as membership in a clan, can effectively result in the exclusion of women and women's groups. Women are also assumed to lack the appropriate expertise to negotiate. Even when women participate or are included in formal peace negotiations, they may lack the capacity to contribute to shaping the agenda of such negotiations and may also lack an effective mandate to speak on behalf of a majority of women.[7] Lack of such a mandate may be due to lack of time or resources for undertaking necessary consultations with women's groups to consolidate a common agenda, lack of a common view among women, or lack of support from civil society and women's groups for those who do secure involvement, as participants or observers, in peace processes. International facilitators or mediators are almost always men, and few women are included in mediation teams. Expertise about the gender dimensions of a conflict is often lacking in such teams.

14. Donors have a key role in supporting women's participation in peace processes. Lack of funding for women's efforts at an early stage precludes their effective participation in setting the agenda for talks and can also constitute a significant challenge to women's capacity to sustain their involvement. Likewise, when women are not part of official delegations to peace negotiations, they may lack the resources to attend either as observers or informally. Lack of resources to ensure sustained implementation of an agreement can also lead to a loss of any gains that may have been made during negotiations or are reflected in a peace agreement. Conflict mediators likewise have a key role in ensuring attention to gender issues and women's effective participation in peace processes. Their lack of understanding or interest in gender issues, in women's roles in the society in question or in women's informal peace initiatives can lead to an effective exclusion of women and their concerns and priorities from mediated peace processes.

B. Attention to participation of women and the promotion of gender equality in peace agreements

15. Peace agreements are crucial components of peace processes. They not only signify the formal cessation of armed conflict but also provide the foundation for a

constitutional framework for sustainable peace and construction of the political, legal, economic and social structures and institutions of post-conflict societies. Their content has a direct bearing on gender equality, as a reflection of women's inclusion in formal peace negotiations and as a determinant of attention to the goal of gender equality in post-conflict peace-building. Security Council resolution 1325 (2000), in paragraph 8, highlights the importance of bringing gender perspectives to the negotiation and implementation of peace agreements.

16. Gender equality is an important social goal in itself and a crucial factor for achieving sustainable peace. If gender equality is omitted from the peace agreement, a window of opportunity is lost. Silence in a peace agreement about the position of women perpetuates and institutionalizes the marginalization of women in the political processes after the conflict and allows those implementing the peace process, including international agencies, to commence their mandates without reference to how their operations impact differentially upon women and men. Explicit language in a peace agreement to promote gender equality and women's participation can facilitate proactive implementation and ensure that the gender-specific consequences of armed conflict and the rights, needs and priorities of women and girls in the aftermath of conflict are fully addressed.

17. While attention to gender equality is a responsibility of all actors, the absence of women from the peace table results in insufficient attention to and reflection of their concerns in peace agreements. Furthermore, a peace process that fails to include women in agenda-setting, substantive talks and implementation raises questions about the democratic legitimacy of the process and lacks the inclusiveness to generate any sense of ownership among women. This can undermine the prospects for the durability of the agreement and sustainable peace.

18. A review of peace agreements indicates that issues related to gender equality and the position of women within the post-conflict society are typically excluded from peace agreements. Gender relations are rarely perceived as central to the causes of conflict and are therefore not seen as central to its resolution. Peace agreements are usually framed in gender-neutral language, that is, they are assumed to be equally applicable to, and appropriate for, the needs and priorities of both women and men within the society in question.[8]

19. In several of the most recent peace agreements there is some recognition of the gendered harms suffered by women and girls, including sexual and other violence throughout the conflict and the need to end impunity for these crimes.[9] Such recognition is contained in general statements about women's particular victimization during the war and the need to take account of their needs in post-war rehabilitation and reconstruction,[10] or the inclusion of various types of violence suffered by women in catalogues of international crimes committed in the conflict. However, there is no recognition in peace agreements of the specific priorities and concerns of women. In one example, provision is made for the reintegration of soldiers, usually men, in society,[11] but no comparable provision exists for the reintegration of survivors of rape and other forms of sexual abuse during conflict — usually women. While agreements may contain provisions concerning the establishment of truth and reconciliation mechanisms, or the prosecution of alleged war criminals in national or international criminal proceedings, they do not commonly address women's specific needs with regard to witness protection, health care and counselling services.

C. Issues of process and content to enhance participation of women and promotion of gender equality through peace agreements

20. There are numerous variables to a conflict and every peace process and peace agreement is context-specific. At the same time, opportunities and obligations can be identified for all actors concerned at each of the three stages of peace processes — the negotiation phase, the content of the agreement itself, and the implementation phase — to enhance attention to gender equality and the participation of women.

1. The negotiation phase

21. The quality of the preparatory stages leading up to peace negotiations, as well as the negotiations themselves, is central to the sustainability of the ensuing peace agreement. Steps must be taken during that phase to reach out to current and potential women leaders and to enable women's associations to participate in the various formal and informal negotiation stages by supporting activities such as national consultations and the formation of networks as well as capacity-building. All parties to the process, including international actors, require capacity to address the gender dimensions of all aspects of the peace process, and also must ensure the equal and effective participation of women in their delegations. Mediators and their teams, irrespective of the designation used, or whether they derive their authority from an international, regional or bilateral mandate, play a critical role in the negotiation process and should guarantee women's effective participation, as well as attention by all parties concerned to gender equality issues.

2. The content of a peace agreement

22. Gender neutrality and a lack of provisions in peace agreements with respect to women's rights, concerns and priorities as well as a lack of related gender-specific language can seriously harm the active participation of women in the post-conflict transformation of society and reduce the opportunity for the promotion of gender equality and thus the achievement of substantive equality.[12] The relevant provisions of the Beijing Platform for Action (1995), the outcome document of the twenty-third special session of the General Assembly (2000), Security Council resolution 1325 (2000) and the Convention on the Elimination of All Forms of Discrimination against Women provide the basis for enhancing attention to the gender dimensions of all aspects covered by peace agreements.

23. Peace agreements typically address issues related to the development or re-establishment of political structures and electoral systems, the constitutional, legal, and judicial systems and, albeit to a somewhat lesser extent, the reconstruction of social and economic structures. Their effectiveness as tools for the participation of women and the promotion of gender equality requires that they cover, from a gender perspective, a range of legal, political, physical, social and economic security aspects of the society in question. Consequently, the actors involved in negotiating such agreements have specific obligations and should take concrete steps to ensure the inclusion of relevant provisions and the use of gender-specific language in such agreements. In this regard, all actors also need to be aware that some issues do not become labelled "women's issues" and others "more important issues". There are gender dimensions to all aspects of the political, economic and social organization of a society, and in this sense, attention to gender equality and women's

participation is required throughout all substantive discussions and operational measures relating to a peace agreement.

24. To that end, gender balance needs to be envisaged for all bodies, institutions and processes to be established, or reviewed in accordance with the agreement. Commitments of accession to international and relevant regional human rights instruments must encompass those that specifically guarantee the rights of women. Peace agreements should provide for a transitional period which should aim to build security and trust and create the potential to promote and ensure equality for women. Provisions related to security and police forces in an agreement need to comply with principles that support gender equality and respond to the rights, needs and concerns of women. Crimes against women must be adequately covered in provisions concerning transitional justice. Peace agreements should provide for a constitutional process that is responsive to the principles of gender equality and the participation of women and also leads to women's full and equal participation in subsequent elections, as voters and candidates for elected office. While physical security and its gender-specific aspects require immediate attention in a transition period, such attention needs to continue and take account of post-conflict threats to women's security, including gender-based violence and violence committed in the private sphere. Peace agreements should also address the legal basis of nationality and citizenship as women's legal status in those regards may be adversely impacted by displacement in conflict.

25. Peace agreements commonly give little attention to economic, social and cultural rights. Denial of these rights contributes to women's economic dependence and lack of empowerment, which in turn limit their participation in public life. As women's vulnerability to social and economic deprivation is deepened further in conflict and post-conflict situations, peace agreements should emphasize the State's obligation to promote women's enjoyment of economic, social and cultural rights and ensure their full and equal participation in the post-conflict society. Mediators and donors have a particular responsibility to support such a gender-sensitive approach to post-conflict socio-economic development. A national socio-economic profile with sex-disaggregated data should be prepared in the framework of peace processes and serve as the basis for the development of socio-economic policies and programmes.

3. Implementation of peace agreements

26. Provisions concerning gender equality and women's participation must be implemented in a comprehensive and sustained manner. Other provisions of the peace agreement must be implemented with full regard to their gender-specific implications. This requires the active involvement of the whole society, and particularly of women and women's groups. Effective consultation between international agencies, the transitional government, regional organizations and local women and women's NGOs should be a key component of all implementation activities.

27. The roles and responsibilities of all actors in peace processes in regard to women's participation and the promotion of gender equality need to be clearly established to ensure accountability. A gender mainstreaming strategy should be part of this process, complemented by targeted efforts to accelerate equality for women and provision of financial and human resources for both types of activities as part of

approved and allocated budgets. A gender-responsive budget audit of implementation needs to be included in mechanisms for monitoring peace agreements and tied to donors conferences. Dissemination of the agreement to enhance local ownership should ensure that women are effectively reached and donors should ensure that women have equal access to the resources of reconstruction and participate equally in national/local rebuilding and reconstruction plans/strategies.

IV. Recommendations for action

28. A focus on the gender dimensions by all actors is essential to ensure that full advantage is taken of the window of opportunity presented by a peace process, the resulting peace agreement and its implementation for the promotion of gender equality and the participation of women. On this premise, the expert group meeting identified the obligations of various actors, at the three stages of a peace process, to enhance attention to gender equality and the participation of women. These include obligations of process, and of mediators and other entities; and obligations with regard to the content of peace agreements, and specifically in regard to women's legal, political, physical, social and economic security in all aspects of community and state reconstruction. The experts also identified obligations with regard to the gender-sensitive implementation of peace agreements. In regard to each of these obligations, specific steps, measures and/or language were identified for use in peace processes, or inclusion in peace agreements to ensure such enhanced attention to gender equality and the participation of women.

29. Furthermore, as a result of the context-specific nature of conflict, actors involved in peace processes vary and can include civilian and military actors from the parties to the conflict, from United Nations entities, regional and subregional organizations, international financial institutions, governmental bodies, international NGOs and humanitarian organizations. In many instances, the Security Council plays a critical role, but peace processes may also be facilitated by regional organizations, a group of countries or by one Government. Mediators or facilitators of peace processes may include special envoys or representatives who derive their mandate from a resolution of the Security Council, from regional or bilateral action, or who have been appointed by the Secretary-General of the United Nations. Departments of the Secretariat, including the Department of Political Affairs and the Department of Peacekeeping Operations, and entities of the United Nations system support the various phases of a peace process, from the pre-negotiation phase to the implementation of an agreement, as do bilateral and multilateral donor and funding entities. All these actors have a responsibility, during the three phases of peace processes, to ensure that women can participate fully and equally in the process itself, but also that gender-specific concerns are explicitly addressed in negotiations, contained in peace agreements and actively pursued in implementation.

30. **The Commission may wish to take note of the recommendations of the expert group meeting[13] in their entirety and call for their systematic use by all actors in peace processes.**

31. **The Commission may, alternatively, wish to consider the actions below, which are drawn from the recommendations of the expert group meeting, to strengthen the use of peace agreements as tools for the promotion of gender**

equality and the participation of women. It may furthermore wish to invite the different actors, in particular, the Security Council, the Special Committee on Peacekeeping Operations, heads of United Nations departments, peacekeeping missions and mediators working under mandates of the Security Council, to use the recommendations below as a guide for action in all peace processes.

A. Peace processes

32. **Steps and measures to be taken by all mediators of peace processes, irrespective of whether they derive their mandate from an international, regional or bilateral mandate, and including Special Envoys and Special Representatives of the Secretary-General, with the active support of regional and international stakeholders:**

(a) **Acquire and use the following:**

Overview of the conflict which incorporates gender-specific data and briefings on the experiences of women in the conflict;

Data on the gender composition of all parties involved in negotiations, especially at the leadership level;

Compilation of existing civil society groups and networks, including regional networks, from a cross-section of society;

All international and relevant regional legal and policy instruments pertaining to the promotion of gender equality and women's participation;

(b) **Ensure that the composition of the mediator's team is gender-balanced, that it includes from the start a senior gender adviser and that all team members have general knowledge of the gender perspectives in regard to the conflict in question;**

(c) **Initiate and conduct training/briefings for the mediation team and other national and international stakeholders on the provisions of international legal and policy instruments that address gender dimensions of armed conflict and of peace processes;**

(d) **Ensure the development and implementation of a plan of action to promote gender equality and women's equal and effective participation in the negotiation process, and regularly review and improve the process to ensure compliance with the plan and its effectiveness;**

(e) **Invite all parties to the negotiations to include women with decision-making power in their teams, and ensure that a significant number of representatives of independent women's civil society organizations, duly elected in transparent processes, are a party to the negotiations.**

33. **Steps and measures to be taken by the parties to the conflict, such as warring factions, rebel forces and government forces:**

(a) **Participate in training/briefings organized by the mediator on the provisions of international legal and policy instruments that address gender dimensions of armed conflict and of peace processes, in particular those of the**

Beijing Platform for Action (1995), the outcome document of the twenty-third special session of the General Assembly (2000) and Security Council resolution 1325 (2000);

(b) Ensure gender balance in the composition of their delegations in negotiations.

34. **Steps and measures to be taken by bilateral and multilateral funding entities, including United Nations entities, and by regional and international organizations involved in peace processes:**

(a) Provide funding for a senior gender adviser to the mediator, allocate resources for the adviser's activities, and support actions to strengthen the integration of gender perspectives and women's participation in ongoing peace processes;

(b) Request inclusion of initiatives to promote gender equality and women's participation in all projects funded in support of peace processes, and create appropriate accountability mechanisms to ensure implementation of such components;

(c) Create and sustain a dedicated and central fund for capacity-building for women's civil society organizations and the holding of national consultative processes, to create nationwide networks, and to enhance women's effective participation in peace negotiations, organized within the Secretariat departments responsible for peace-building or peacekeeping, from which funds could be allocated for individual peace operations;

(d) Support women's associations to ensure their effective participation in peace negotiations;

(e) Ensure gender balance in the composition of their staff.

B. Peace agreements

35. **All actors working towards the conclusion of a peace agreement — the mediator and her/his team, parties to the conflict that participate in the negotiations, United Nations envoys and entities, including the Department of Political Affairs and the Department of Peacekeeping Operations, international, regional and local organizations that support the negotiations — have a responsibility to ensure that women's rights, concerns and needs are fully addressed in such agreements by including therein concrete measures and/or language that responds to this commitment. In order to ensure that gender equality is actively pursued as one of the goals of peace agreements, they need to ensure the inclusion of the following provisions or measures in such agreements:**

(a) Ratification of, or adherence to all United Nations and applicable regional instruments for the protection and promotion of human rights and fundamental freedoms, in particular those that specifically guarantee the rights of women and girls;

(b) Establishment of a national human rights commission with gender parity among the commissioners, and with a mandate that includes the

promotion of gender equality and women's human rights in accordance with the peace agreement;

(c) Implementation of human rights training, especially on women's human rights, with support from relevant United Nations entities and donors, for public officials and civil society organizations;

(d) The transitional government (whether a national transitional government or international administration) to work under the principles of the rule of law and of international human rights, including the human rights of women;

(e) Adherence to gender balance in appointments to senior government administration and judiciary positions.

36. **To the extent that peace agreements provide for the deployment, during a transitional period, of international/regional peacekeeping forces, those negotiating the agreement, and in particular the mediator and the parties to the conflict, need to ensure that the agreement contains the following priority actions and calls for related compliance by peacekeeping forces:**

(a) Request that all troop-contributing States: recruit and hire a minimum of 30 per cent women, including in higher-level positions, for deployment; have and comply with a code of conduct that has a significant gender component and implement training in human rights, gender equality and the code of conduct before deployment; have accountability mechanisms for violations of the code of conduct/human rights of women and report to a designated monitoring body with respect to action taken in response to such violations;

(b) Include a gender unit within the headquarters of the military operation to monitor and report on compliance with the gender-specific components of the force's code of conduct, provide training on mission-specific gender issues, and work with troop-contributing countries to ensure accountability for violations of women's human rights;

(c) Mandate the gender unit to audit the physical public spaces where women require protection/access, such as schools and refugee camps, as well as areas requiring mine clearance to assess particular risks faced by women, and implement related recommendations.

37. **Peace agreements also need to contain provisions to enhance gender-sensitive action by security forces. To that end, all those negotiating the peace agreement, and in particular the mediator and the parties to the conflict, need to ensure that the peace agreement calls for priority action and compliance by security forces with the following:**

(a) Provide ongoing protection and security for women and girls under threat of physical violence and ensure their freedom of movement and participation in social, political and economic activities;

(b) Ensure safe passage for the return of internally displaced or refugee women;

(c) Complete without delay mine clearance, including of areas predominantly used by women, such as health clinics, schools and agricultural land;

(d) Ensure that disarmament programmes address the different needs of female and male members of fighting forces and their dependants, secure stockpiles of collected arms/munitions away from areas utilized by women, and establish freedom of movement for women and girls;

(e) Make provisions for the reintegration of demobilized troops, taking into account the special needs of families, widows and widowers of soldiers, child soldiers and male and female members of fighting forces;

(f) Address the situation of women with children born as a result of rape or sexual slavery during conflict, and undertake awareness-raising initiatives to prevent their social ostracization.

38. **Peace agreements need to contain provisions for reconstituting national security/armed forces with due attention to the concerns and needs of women. To that end, all those negotiating the agreement, and in particular the mediator and the parties to the conflict, need to ensure that the peace agreement calls for priority action and compliance by such forces with the following:**

(a) Ensure respect for and compliance with international law and human rights law, including women's human rights, and adherence to a gender-sensitive code of conduct;

(b) Develop and utilize effective screening procedures to exclude from service those with prior history of human rights abuses and violence against women, including domestic violence;

(c) Address the protection needs of women when establishing territorial and border security.

39. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that, to the extent that peace agreements provide for the deployment of international civilian police forces, provisions are also included that call for priority action and compliance by such international civilian police forces with the following:**

(a) Ensure due regard to gender balance in the composition of the force;

(b) Ensure induction training on codes of conduct, as well as gender sensitivity and awareness, especially concerning domestic violence, trafficking in women and girls, and sexual violence;

(c) Provide security to ensure freedom of movement for women and girls.

40. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that provisions contained in agreements for the (re)construction of a national police force call for priority action and compliance with the following:**

(a) Give due regard to gender balance in the composition of the force, and ensure that women police officers are assigned to all levels of active duty;

(b) Exclude from service those with prior history of human rights abuses and violence against women, including domestic violence;

(c) Provide training on human rights issues and gender-based violence, including domestic violence, by drawing upon the expertise of women's NGOs;

(d) Establish, as soon as feasible, gender units in police posts staffed by gender-balanced teams;

(e) Establish a police academy for the creation of a professional police force and include in its curriculum modules on human rights and gender equality; give due regard to gender balance in the appointment of the teaching staff, and implement concrete measures to recruit women into the police force at all levels and in all occupational areas.

41. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that peace agreements contain provisions on transitional justice that call for priority action and compliance with the following:**

(a) No amnesty is to be granted to perpetrators of genocide, crimes against humanity or war crimes, especially those relating to violations committed against women and girls;

(b) Incorporate the definitions of international humanitarian law and human rights law pertaining to such crimes from relevant international instruments and jurisprudence, including those related to victims and witness protection, into domestic law;

(c) Establish an appropriate national reconciliation mechanism with due regard to gender balance in its composition and with a mandate to address violations of human rights and humanitarian law suffered by women and gender-specific crimes, without distinction between the parties to the conflict, and to recommend measures for the rehabilitation of women victims.

42. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that peace agreements contain provisions for the conduct of elections and, without establishing a rigid time frame, call for priority action and compliance with the following:**

(a) All women and men over 18 years of age shall have the right to vote and shall have separate voter identification cards;

(b) Establishment, by the transitional government, of an independent and neutral national electoral commission that includes an equal number of women and men and whose membership and mandate is the result of consultations with civil society groups, including women's organizations;

(c) Organization, by the national electoral commission, of voter education and registration programmes that are readily available and accessible, as well as appropriate, to all women voters, and where necessary provided for women alone; provision of security by international and/or national security/police forces to ensure women's attendance in such programmes;

(d) **Application, by political parties, of the principles of democracy and good governance, including commitment to women's full and equal participation and the promotion of gender equality.**

43. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that a peace agreement stipulates the process for the drafting and adoption of a constitution, along the following lines:**

Establish a constitutional commission, comprising equal numbers of women and men, which will make proposals for a constitution following extensive and well-publicized consultations with women and men to hear their priorities and views.

44. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, need to ensure that peace agreements stipulate the following principles and requirements for inclusion in the future constitution:**

(a) **That the Constitution is the supreme law of the land, prohibits discrimination on the basis of sex in accordance with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, guarantees the equality of women and men, and explicitly states that the gender equality clause overrides conflicting legislation and customary law;**

(b) **That international and relevant regional human rights instruments that specifically guarantee the rights of women and girls will form an integral part of the Constitution and will be directly applicable within the State, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

(c) **That all branches of government will take relevant measures — such as legislation, executive directives and administrative rules and regulations — to ensure women's equal access to and full participation in power structures and decision-making;**

(d) **That the judiciary will be independent, impartial and gender-balanced, and that judiciary training will be provided on international and regional human rights, including women's rights instruments.**

45. **All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, must ensure that peace agreements contain guarantees for the physical security of women during the transitional period and beyond, and provide for:**

(a) **Consultations with women and women's groups on effective measures to address women's security concerns in the public and private sphere;**

(b) **The adoption and implementation of comprehensive legislation on domestic violence; the elimination of trafficking and exploitation of women; the prohibition of early and forced marriages and other harmful practices which**

violate the human rights of women; as well as the prosecution and punishment of perpetrators;

(c) Measures to secure the release and return of captive wives;

(d) Demilitarization of the society and measures to eliminate small arms.

46. **Peace agreements need to recognize women's increased vulnerability and marginalization during conflict and its aftermath and address the gender dimensions of social upheaval, poverty, loss of infrastructure, social and economic disruption and insecurity caused by conflict. All those negotiating peace agreements, and in particular the mediator and the parties to the conflict, must consequently ensure that such agreements provide for and give explicit attention to:**

(a) Preparation of a national socio-economic profile with data disaggregated by sex and gender-specific information as basis for all reconstruction planning and financing;

(b) Provision of adequate health services for women, including reproductive and sexual health; mental and psychosocial health services, such as counselling for victims of sexual slavery, rape, sexual exploitation and trafficking; and prevention, treatment and care for women affected by HIV/AIDS;

(c) Provision of free and compulsory universal primary and secondary education for all children, with equal standards of education for girls and boys, and accelerated access to education for women and girls to reduce their higher rates of illiteracy;

(d) Appraisal of existing curricula to eliminate materials that present discriminatory or stereotyped views of women, and development of unified and gender-sensitive national educational curricula;

(e) Provision of special education and skills training for women and girls whose education was interrupted by conflict;

(f) Introduction of human rights education at all levels of schooling with a clear focus on gender equality;

(g) Recognition and acceptance of education attained outside of the country and in refugee camps;

(h) Securing of access to land for female-headed households and widows and guaranteeing rights to land and property for female returnees;

(i) Repeal of laws that discriminate against women with regard to inheritance and ownership of land and property, and guaranteeing women the right to inherit, including their deceased husband's land and property;

(j) Provision of non-discrimination on the basis of sex in land allocation and land reform schemes;

(k) Provision of adequate, accessible, affordable and appropriate shelter and housing for women, and protection of women and their families from forced eviction;

(l) Measures to ensure women's equal right to participate in, and benefit fully from, economic development, protection from economic exploitation and forced labour, establishment of equal and fair hiring and employment practices, safe working conditions and social security benefits, and of the right of women not to be barred from certain types of work by reserving it for returning male war veterans;

(m) Measures to rehabilitate women's livelihood and income-generating activities;

(n) Measures to ensure women's right to nationality and citizenship so as to protect their right to return and to claim property, as well as to confer nationality to their children born in transit, in refugee camps, to children of non-citizen or unknown fathers, and to unregistered children born during conflict.

C. Implementation of peace agreements

47. All actors in peace processes at the national level — civilian and military, including staff of peacekeeping operations deployed under a mandate of the Security Council and heads of United Nations departments and of United Nations missions, United Nations entities, funds and programmes, regional and subregional organizations, international financial institutions, governmental bodies, international NGOs and humanitarian organizations — have a responsibility to ensure the gender-sensitive implementation of agreements. Particular attention needs to be given to the legal obligations contained in a peace agreement so as to achieve its gender-sensitive implementation. In addition, implementation and compliance require priority actions for:

(a) Creation of monitoring and accountability structures to ensure the gender-sensitive implementation of all aspects of the peace agreement;

(b) Creation of free and secure spaces for women to meet, of safe and affordable transportation, and of protection and promotion of freedom of speech and mobility for women;

(c) Measures to ensure the translation into local language(s), in a popularized version, and effective dissemination of the peace agreement to the population so as to promote local ownership and facilitate discussion of the agreement, with particular emphasis upon effectively reaching women;

(d) Steps to engage provincial and local government to secure full recognition and implementation of the peace agreement and its gender dimensions;

(e) Adoption of special measures for women to ensure their full and equal participation at all levels of policy and decision-making;

(f) Reform of the public service sector to ensure: women's equal participation in public service, including through the use of special measures; training for women; appointment of women to high-level positions; institutionalization of gender-sensitive criteria of merit in all decisions on hiring, promotion and appointments; and appointment of gender experts in line ministries and public bodies;

(g) **Presentation of women candidates for elected positions in local, regional and national elections;**

(h) **Provision of resources and support for women candidates for leadership training and capacity-building, including by bilateral/multilateral donors and NGOs;**

(i) **Inclusion, in legislation or terms of reference governing electoral funds, of explicit provisions to ensure women's full and equal access to such resources;**

(j) **Provision of sufficient resources to cover and sustain a ministry of women's affairs/gender equality and development, an ombudsperson's office and gender units/focal points within all national ministries.**

48. **Monitoring, accountability and reporting obligations by all actors on the implementation of a peace agreement, and in particular those mandated to report to the United Nations Security Council; need to account for their contribution to the promotion of gender equality and the participation of women; and the steps taken to implement the gender dimensions of the agreement. Implementation and compliance require priority actions and the need to provide for:**

(a) **Measures to ensure coordination among all stakeholders involved in peace operations, including women's organizations, to address gender equality issues;**

(b) **Measures to ensure the accountability of all forces deployed under the agreement for adherence to the gender equality directives of the code of conduct, including sanctions in cases of violations;**

(c) **Collection of sex-disaggregated and gender-specific data in relation to all their activities and the systematic utilization of such information when reporting, especially to the Security Council, on the differential impact on women and men of the implementation process;**

(d) **Requirements to monitor and report on gender issues in peacekeeping, including on all forms of violence against women and girls and trafficking, as an integral part of mission reporting, and on corrective measures taken.**

49. **Women's access to and participation in peace agreement implementation processes requires, by the transitional government with the support of other actors involved in implementation, that compliance is sought and priority attention is given towards:**

(a) **Creation of a broad-based national women's rights commission to promote gender equality and monitor women's participation in the implementation of the peace agreement, with access to all high-level officials of the transitional government and the peacekeeping operations, to prevent the violation or marginalization of women's rights at all stages of implementation and recommend remedial action by relevant actors for any violations of, or shortcomings in, the implementation;**

(b) Identification of any security problems women and women's organizations may face in participating in the work of the commission, with a requirement for responsible officials to remedy such problems;

(c) Collection of sex-disaggregated data, conduct of gender audits, including gender budget audits, public issuance of findings, including to the media;

(d) Creation of an environment that allows women's organizations to lobby decision makers on the protection and promotion of all the human rights of women as articulated in the peace agreement;

(e) Creation of a cooperation/coordination body with peacekeeping forces, whether serving under the auspices of the United Nations or any other arrangement, to assess gender mainstreaming in the implementation of the peace agreement, and consultation with women's organizations on such implementation.

Notes

[1] www.un.org/womenwatch/daw/egm/peace2003/index.html.

[2] *Women, Peace and Security: Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000)* (United Nations publication, Sales No. 03.IV.1). Report of the Secretary-General on women, peace and security, S/2002/1154.

[3] For an overview of United Nations initiatives, see *Women, Peace and Security*, op. cit., paras. 16-35.

[4] A/55/138-S/2000/693, annexes I and II.

[5] The analysis in this section is drawn from the report of the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1).

[6] See *Women, Peace and Security*, op. cit., para. 10.

[7] Lois Lewis Bruthus, case study on Liberia, paper presented at the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1).

[8] Christine Chinkin, background paper presented at the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1), as well as experts' papers.

[9] See Chinkin, background paper, op. cit.

[10] For example, in the peace agreement between the Government of Sierra Leone and the Revolutionary United Front, 1999 (Lomé Agreement), discussed by Isha Dyfan, case study presented at the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1).

[11] Comprehensive Peace Agreement for Liberia, August 2003, discussed by Christine Chinkin, background paper, op. cit.

[12] Kerstin Grebäck and Eva Zillén, case study on the Dayton Peace Accords presented at the expert group meeting held in Ottawa, November 2003 (see para. 2 and note 1).

[13] See note 1.